

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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REOLINK INNOVATION INC. AND  
SHENZHEN REOLINK TECHNOLOGY CO., LTD.,  
Petitioner,

v.

THROUGHTTEK CO., LTD.,  
Patent Owner

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IPR2024-00509  
Patent RE47,842

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**DECLARATION OF DAVID M. BARKAN IN SUPPORT OF  
PETITIONER’S UNOPPOSED MOTION FOR *PRO HAC VICE*  
ADMISSION**

I, David M. Barkan, hereby declare to the following:

1. I am a member in good standing of the state Bar of California, and admitted to practice in the United States District Courts for the Northern, Central and Southern Districts of California, the United States District Courts for the Eastern and Western Districts of Texas, the United States District Court for the Northern District of Illinois, the United States District Court for the Western District of Wisconsin, and the United States Court of Appeals for the Fourth Circuit, Ninth Circuit and Federal Circuit as well as the California Supreme Court.

2. I have not been suspended or disbarred from practice before any court or administrative body.

3. I have never had an application for admission to practice before any court or administrative body denied.

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations.

6. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7. In the past three years, I have not applied for admission *pro hac vice* in any *inter partes* review proceedings.

8. I am an experienced patent litigation attorney with more than 32 years of experience representing clients in cases involving semiconductor devices, computer networking, computer software, computer peripherals, and electrical products. I regularly litigate patent cases before federal district court around the United States, including the District of Delaware, the United States Court of Appeals for the Federal Circuit, and before the International Trade Commission.

9. I am intimately familiar with the issues and subject matter presented in this above-captioned *inter partes* review proceeding. For example, I have extensively reviewed the above identified patent, its prosecution history, the Petition for IPR (including the invalidity grounds therein, and the cited references), and all exhibits filed in this case.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: January 22, 2025

/David M. Barkan/

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**David M. Barkan**

Fish & Richardson P.C.

Email: barkan@fr.com

# **APPENDIX A**



## David M. Barkan

Principal  
Silicon Valley  
650-839-5065  
barkan@fr.com

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### Overview

Trial lawyer David Barkan is known for guiding companies through complex, competitor-to-competitor litigation, and for finding creative ways to achieve the client's business goals.

David has handled more than 100 cases across technology fields, including as lead counsel in dozens of semiconductor and software patent cases. He represents multibillion-dollar national and international corporations, including top international telecommunications companies and major semiconductor component companies, as well as private companies with innovative software. In recent years, David has become a "go-to" resource for companies facing complex international standard essential patent issues.

These companies rely on David to enforce their intellectual property innovations in the competitive product marketplace while also protecting them from lawsuits that could derail their strategic plans.

During his 30-year career as a highly skilled litigator, David has built strong and lasting client relationships—some spanning more than two decades.

Among his notable cases are competitor-to-competitor cases dealing with litigation that has substantial, sometimes bet-the-company, consequences. For example:

- In a five-year battle in which David's electronics company client faced allegations of infringement of five patents in the ITC and 13 patents in District Court, David successfully tried the ITC case to a noninfringement determination and then obtained summary judgment on all asserted patents in District Court, leaving only his client's counterclaims for trial.
- For a major automotive component supplier, he successfully asserted three turbocharger components patents—obtaining a \$32.5 million settlement from the competitor on the eve of trial, despite the competitor having insisted for years it would prove the patents invalid and the case would never go to trial.
- For an innovative private software company, David successfully obtained a noninfringement judgment when the company was sued in its infancy by a large multinational corporation, permitting the private company to continue its growth plans. Over the following decade, David successfully enforced the company's patents against three different competitors, helping to secure the company's marketplace position.

When it comes to emerging issues and developing laws, David is on the leading edge. He is deeply steeped in issues unique to standard essential patents in both litigation and arbitration contexts, including portfolio-level valuations, damages for individual standard essential patents, licensing rules, and the strategic interplay arising from simultaneous litigations and arbitrations occurring on a global basis. He understands the nuances of this developing law and helps both U.S. and international companies—licensors and licensees—make strategic choices from both legal and business perspectives.

David served as the firm's nationwide head of litigation from 2001-2006, during a time when the group doubled in size. He also served on the firm's management committee from 2002-2004 and its compensation committee from 2012-2018.

Before attending law school, David worked as a software developer at a startup company.

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## Experience

### Computer graphics and image processing

*Adobe Systems Inc. adv. Heidelberger Druckmaschinen AG* (computer graphics software) (D. Del.) Defended Adobe in patent litigation case brought by Heidelberger relating to computer graphics. Resolved successfully.

*Adobe Systems Inc. adv. Quantel Limited* (computer graphics software) (D. Del.) Defended Adobe in patent infringement case brought by Quantel. Jury found all five patents invalid, not infringed, and unenforceable despite prior litigation victories by Quantel. The *National Law Journal* recognized this verdict as one of the Top 15 Defense Verdicts for 1997, the only intellectual property case on the list.

*Autodesk, Inc. adv. Preco, Inc.* (CAD software) (D. Kan.) Defended Autodesk against claims of patent infringement relating to CAD software. Resolved successfully.

*Autodesk, Inc. adv. Tektronix* (CAD software) (D. Or.) Defended Autodesk against claims of patent infringement relating to CAD software. Resolved successfully.

*Autodesk, Inc. adv. Vermont Microsystems, Inc.* (CAD software) (D. Vt.) Defended Autodesk against claims of trade secret misappropriation relating to computer graphics software in district court and appellate and remand proceedings. Resolved successfully.

*Corel Corp. adv. Heidelberger Druckmaschinen AG* (computer graphics software) (S.D.N.Y.) Defended Corel in patent litigation case brought by Heidelberger relating to computer graphics. Resolved successfully.

*Corel Corp. adv. Victor Co. of Japan* (video playback software) (W.D. Tex.) Defended Corel in a six-patent case brought by JVC relating to video playback from optical media. Resolved successfully.

*Marvell Semiconductor, Inc. and Nvidia Corp. adv. Intravision, Inc.* (video decoders) (E.D. Tex.) Defended Marvell and Nvidia against Intravision's claim of patent infringement involving video decoders for audiovisual services. Resolved successfully.

*Maxim Integrated Products, Inc. adv. FastVDO LLC* (digital video codecs) (D. Del.) Defended Maxim against FastVDO's charge of patent infringement involving video decoders. Resolved successfully.

### Cybersecurity

*Corel Corp. adv. Entrust Corp.* (digital signatures) (E.D. Va.) Defended Corel against allegations of copyright infringement and unfair competition relating to digital signature add-on software. Resolved successfully after obtaining dismissal of the action based on prior forum selection clause.

*Harland Financial Solutions, Inc. v. Wolf Run Hollow, LLC* (secure email transmission systems) (C.D. Cal.) Defended Harland against Wolf Run's allegation of infringement concerning methods and systems for securely transmitting email messages. Resolved successfully.

*Sygate Technologies, Inc. v. Zone Labs, Inc.* (network security devices) (N.D. Cal.) Defended Sygate in a patent infringement action brought by Zone labs relating to network computer security software. Resolved successfully.

*Zix Corp. v. Echoworx Corp.* (email security systems) (N.D. Tex.) Represented Zix in enforcing three Zix patents relating to methods of analyzing and securing email against Echoworx. Resolved successfully.

*Zix Corp. adv. RPost Holdings, Inc., RPost Int'l Ltd., and RMail Ltd.* (email authentication software) (E.D. Tex.) Defended Zix against RPost's allegation of infringement of its patent concerning certifying message transmission. Resolved successfully.

#### Internet and enterprise software

*Adobe Systems Inc. adv. Macromedia, Inc.* (website creation software) (N.D. Cal.) Defended Adobe in patent infringement litigation suit brought by Macromedia concerning website creation software. Resolved successfully.

*Bank of America Corp. adv. Ablaise Ltd and General Inventors Institute A, Inc.* (financial data aggregation services) (D. Del. and N.D. Cal.) Defended Bank of America against Ablaise's allegations of patent infringement concerning online data aggregation and banking services. Resolved successfully.

*Checks in the Mail, Inc., d/b/a iPrint.com adv. Graham Springs LLC* (online printing services) (E.D. Tex.) Defended Checks in the Mail against Graham Springs' allegations of infringement of a patent teaching a method of data processing and printing. Resolved successfully.

*Coupa Software Inc. adv. Ariba, Inc.* (e-procurement services) (Superior Court of California, County of Santa Clara) Defended Coupa Software against Ariba's charges of trade secret misappropriation. Resolved successfully.

*Genesys Telecommunications Laboratories v. Kana Corp.* (e-mail routing software) (D. Del.) Represented Genesys in a patent infringement action concerning intelligent e-mail and customer response management software. Resolved successfully.

*Harland Clarke Corp. adv. EZShield, Inc.* (consumer fraud protection system) (D. Md.) Defended Harland against EZShield's allegation of infringement of a patent concerning a system for reimbursing victims of check fraud. Resolved successfully.

*Infosys Technologies Ltd. adv. Versata Software Inc., and Versata Development Group, Inc.* (business software) (W.D. Tex.) Defended Infosys against Versata's allegations of trade secret misappropriation, copyright infringement, and breach of contract. Resolved successfully.

*The Northwestern Mutual Life Insurance Co. adv. Unified Messaging Solutions* (webmail services) (N.D. Ill. – MDL) Defending Northwestern Mutual in a multi-district litigation brought by UMS for alleged infringement of five patents dealing with web-based communications services.

*Valassis Communications, Inc. v. CTP Innovations, LLC* (computer-to-plate printing) (D. Md. – MDL) Defending Valassis in a multi-district litigation brought by CTP for alleged infringement of a patent that teaches a method for printing materials using computer to plate technology.

*Yodlee, Inc. v. Ablaise Ltd and General Inventors Institute A, Inc.* (financial data aggregation services) (N.D. Cal.) Represented Yodlee in a declaratory judgment action arising from Ablaise's allegations of patent infringement concerning online data aggregation and banking services. Resolved successfully.

*Yodlee, Inc. v. Block Financial Corp.* (distributed financial services systems) (D. Del. and W.D. Mo.) Represented Yodlee in prosecution of patent infringement action related to automatic collection of tax data over the Internet. Resolved successfully.

*Yodlee, Inc. adv. Block Financial Corp.* (distributed financial services systems) (W.D. Mo.) Defended Yodlee in patent infringement suit brought by Block relating to distributed financial services systems. Obtained summary judgment of non-infringement. Resolved successfully during appeal.

*Yodlee, Inc. v. CashEdge Corp.* (data aggregation products and services) (N.D. Cal.) Represented Yodlee in enforcing nine of its patents regarding financial data aggregation products and services against CashEdge in the Northern District of California. Resolved successfully.

*Yodlee, Inc. adv. CashEdge Corp.* (data aggregation products and services) (D. Del. and N.D. Cal.) Defended Yodlee in a patent

infringement suit brought by CashEdge concerning methods and apparatus for retrieving and processing financial data. Resolved successfully.

*Yodlee, Inc. v. Plaid Technologies, Inc.* (financial account aggregation services) (D. Del.) Represented Yodlee adverse to Plaid Technologies in a suit for infringement concerning seven of Yodlee's data gathering, aggregation, and analysis patents. Represented Yodlee in nine related IPR and CBM proceedings. Successfully resolved.

## **Mechanical devices**

*BorgWarner, Inc. v. Honeywell Int'l, Inc.* (automotive turbochargers) (W.D.N.C.) Represented BorgWarner in asserting three of its patents regarding the design and manufacture of turbocharger components. Obtained \$32.5 million settlement for client on eve of trial.

*BorgWarner, Inc. v. Cummins, Inc.* (automotive turbochargers) (W.D.N.C.) Represented BorgWarner in asserting three of its patents regarding the design and manufacture of turbocharger components. Successfully resolved.

*Intuitive Surgical, Inc. adv. Brookhill-Wilk 1, LLC* (robotic surgery devices) (S.D.N.Y.) Defended Intuitive Surgical in patent infringement action brought by Brookhill-Wilk LLC 1 relating to robotic surgery devices. Resolved successfully.

*General Motors LLC and Maven Drive LLC adv. American Automobile Association of Northern California, Nevada & Utah and A3 Mobility LLC* (ride-sharing service) (N.D. Cal.) Defended GM and Maven against AAA's allegations of trademark infringement and unfair competition involving GM's and Maven's vehicle-sharing service. Successfully resolved.

*Microsoft Corp. adv. TypeRight Keyboard Corp.* (Microsoft Natural® keyboard) (S.D.N.Y.) Defended Microsoft in a five-patent infringement case against TypeRight. Resolved successfully.

## **Networking**

*D-Link Systems, Inc. adv. 3Com Corp.* (network interface controllers) (N.D. Cal.) Defended D-Link in a patent infringement case brought by involving network interface controller products. Resolved successfully.

*Marvell Semiconductor, Inc. adv. Realtek Semiconductor Corp.* (Ethernet networking devices) (N.D. Cal.) Defended Marvell in a patent infringement suit brought by Realtek relating to Ethernet networking devices. In a published decision, obtained a dismissal with prejudice and an award of more than \$500,000 in attorneys' fees for client.

*Emulex Corp. adv. Broadcom Corp.* (networking infrastructure solutions) (C.D. Cal.) Defended Emulex against a patent infringement suit brought by Broadcom involving multiple networking-related patents. Resolved successfully.

*Marvell Semiconductor, Inc. v. Realtek Semiconductor Corp. / In re Certain Network Controllers and Products Containing Same* (Ethernet networking devices) (ITC) Represented Marvell Semiconductor in a patent infringement action before the U.S. International Trade Commission relating to Ethernet network controllers. Resolved successfully.

*SynOptics, Inc. v. 3Com* (network management software) (N.D. Cal.) Represented SynOptics in the prosecution of a patent infringement suit relating to network management software. Resolved successfully.

## **Other software**

*Corel Corp. adv. Blueberry Software, Inc.* (file conversion software) (N.D. Cal.) Defended Corel in copyright infringement case brought by Blueberry Software relating to file conversion software. Resolved successfully.

*Corel Corp. adv. Disc Link Corp.* (digital information distribution systems) (E.D. Tex.) Defended Corel against Disk Link's complaint of patent infringement involving the distribution of information through broadcast and bi-directional communication channels. Resolved successfully.

## Programming and systems software

*National Instruments Corp. v. Cognex Corp.* (machine vision software) (D. Del.) Defended National Instruments against allegations of patent infringement, copyright infringement, and unfair competition brought by Cognex. Resolved successfully.

*National Instruments Corp. v. Coreco Inc.* (graphical programming software) (W.D. Tex.) Represented National Instruments in asserting its foundational graphical programming patents. Resolved successfully.

*National Instruments Corp. v. Ensoft Corp.* (graphical programming software) (S.D. Iowa) Represented National Instruments in asserting its graphical programming patents against Ensoft. Successfully resolved.

*National Instruments Corp. v. PPT Vision Inc.* (graphical programming software) (W.D. Tex.) Represented National Instruments in asserting its graphical programming patents. Resolved successfully just prior to scheduled jury trial.

*National Instruments Corp. adv. SoftWIRE Technology* (graphical programming software) (D. Mass.) Represented National Instruments in a multi-patent dispute against SoftWIRE Technology and Measurement Computing Corp. relating to graphical programming software. Resolved successfully.

## Semiconductor devices

*Marvell Semiconductor, Inc. et al. v. Lonestar Inventions, L.P.* (semiconductor device structures) (W.D. Tex.) Defended Marvell in a patent infringement lawsuit brought by Lonestar. Resolved successfully

*Maxim Integrated Products, Inc. v. Anpec Electronics Corp.* (IC amplifiers) (N.D. Cal.) Represented Maxim in asserting a patent on integrated circuit headphone drivers against Anpec. Resolved successfully.

*Maxim Integrated Products, Inc. adv. Charge Lion LLC* (battery chargers and charger controller ICs) (E.D. Tex.) Defended Maxim against Charge Lion's allegation of infringement of a patent relating to an alkaline battery charger. Resolved successfully.

*Maxim Integrated Products Inc. adv. Commonwealth Research Group, LLC* (microcontrollers) (D. Del.) Defended Maxim in a patent infringement suit brought by Commonwealth alleging infringement of a patent related to purportedly energy-saving circuitry. Resolved successfully.

*Maxim Integrated Products Inc. adv. E-Tool Development, Inc. and E-Tool Patent Holdings Corp* (analog circuits) (D. Ore.) Successfully defended Maxim against E-Tool's assertions of infringement involving a single patent focusing on a method for configuring analog circuit components.

*Maxim Integrated Products, Inc. and Volterra Semiconductor LLC v. Fairchild Semiconductor Int'l, Inc.* (analog integrated circuits) (N.D. Cal.) Represented Maxim adverse to Fairchild in a lawsuit involving copyright infringement, misappropriation of trade secrets, breach of contract, intentional interference with contractual relations, and unfair competition. Successfully resolved.

*Maxim Integrated Products, Inc. et al. adv. Freescale Semiconductor, Inc.* (microcontrollers) (W.D. Tex.) Defended Maxim adverse to Freescale in a lawsuit involving allegations of trade secret misappropriation and copyright infringement. Resolved successfully.

*Maxim Integrated Products, Inc. adv. In-Depth Test LLC* (semiconductor test systems) (D. Del.) Defended Maxim adverse to In-Depth Test in a patent infringement lawsuit related to semiconductor testing. Obtained judgment of invalidity and Rule 36 affirmance at the Federal Circuit.

*Maxim Integrated Products, Inc. adv. Signal Tech LLC* (microcontrollers) (D. Del.) Defended Maxim in a patent infringement suit brought by Signal Tech alleging infringement of a patent related to amplifier circuitry. Resolved successfully.

*Maxim Integrated Products, Inc. and Volterra Semiconductor LLC v. Silicon Mitus, Inc. and Silicon Mitus Technology, Inc.* (battery fuel gauges and voltage regulators) (N.D. Cal.) Represented Maxim and Volterra in a suit involving infringement of six patents related to power supplies and voltage regulators. Resolved successfully.

*Nvidia Corp. adv. Mosaid Technologies, Inc.* (microprocessors) (E.D. Tex.) Defended Nvidia against Mosaid's seven-patent infringement lawsuit involving a wide array of technology relating to computer microprocessors. Successfully resolved.

*Volterra Semiconductor LLC v. Monolithic Power Systems, Inc.* (D. Del.) (power converters) Represented Volterra in a suit involving three patents related to voltage converters employing a coupled inductor architecture.

*Xicor, Inc. v. Catalyst Semiconductor, Inc.* (digital potentiometers) (D. Del.) Represented Xicor in the prosecution of a patent infringement suit related to digital potentiometers. Resolved successfully.

#### **Storage systems and memory and MEMS devices**

*InvenSense, Inc., Roku, Inc., and Black & Decker (U.S.), Inc. adv. STMicroelectronics, Inc. / In re Certain Microelectromechanical Systems ("MEMS Devices") and Products Containing Same* (MEMS devices) (ITC) Successfully defended InvenSense against STMicroelectronics' five patent infringement lawsuit before the International Trade Commission regarding micro-electromechanical systems. Resolved successfully.

*Kingston Technology Co., Inc. and Phison Electronics Corp. adv. SanDisk Corp. / In re Certain Flash Memory Controllers, Drives, Memory Cards, And Media Players And Products Containing Same* (Flash memory devices) (ITC) Successfully defended Kingston Technology and Phison Electronics against SanDisk's claims of patent infringement before the International Trade Commission regarding flash memory devices. Obtained determination of non-infringement from the ITC for both clients.

*Kingston Technology Co., Inc. and Phison Electronics Corp. adv. SanDisk Corp.* (flash memory devices) (W.D. Wisc.) Defended Kingston Technology and Phison Electronics against SanDisk's claims of patent infringement in the Western District of Wisconsin regarding flash memory devices. Resolved successfully.

*Kingston Technology Co., Inc. adv. SanDisk Corp.* (flash memory devices) (W.D. Wisc.) Defended Kingston Technology against SanDisk's claims of patent infringement in the Western District of Wisconsin regarding flash memory devices and asserted counterclaims by Kingston against SanDisk for antitrust violations. Resolved successfully.

*Macronix Int'l Co., Ltd. & Macronix America Inc. v. Spansion Inc., et al./In the Matter of Certain Non-Volatile Memory Devices and Products Containing the Same* (non-volatile memory systems) (ITC) Represented Macronix in a patent infringement investigation against Spansion before the International Trade Commission relating to devices containing non-volatile memory. Resolved successfully.

*Macronix Int'l Co., Ltd. v. Toshiba Corporation et al. / In the Matter of Certain Non-Volatile Memory Devices and Products Containing Same* (non-volatile memory systems) (S.D. Cal. and ITC) Representing Macronix adverse to Toshiba in suits brought before the ITC and USDC for infringement by Toshiba of Macronix's patents relating to devices containing non-volatile memory.

*Mylex Inc. v. American Megatrends, Inc.* (RAID controllers) (N.D. Cal. Arbitration) Represented Mylex in trade secret arbitration relating to RAID controllers.

*Phison Electronics Corp. adv. Integrated Device Technology, Inc.* (NAND flash drives) (N.D. Cal.) Defended Phison against IDT's claims of infringement involving four patents dealing with the generation and synchronization of clock signals. Resolved successfully.

*Samsung Electronics Co., Ltd adv. Fujitsu Microelectronics, Inc.* (DRAMs and semiconductor processors) (ITC) Represented Samsung in a patent infringement action heard before the U.S. International Trade Commission relating to DRAM device structure and semiconductor processing. Resolved successfully.

*Seagate Technology LLC adv. Carl B. Collins and Farzin Davanloo* (hard drives containing a diamond-like coating) (E.D. Tex) Defended Seagate Technology in a patent infringement suit brought by Collins and Davanloo concerning computer hard drives containing parts coated with a diamond-like material. Resolved successfully

*Seagate Technology LLC v. Cornice, Inc. / In re Certain Disc Drives, Components Thereof, and Products Containing Same* (disk

drive apparatus and magnetic recording media) (ITC and D. Del.) Represented Seagate Technology in patent infringement suits brought against Cornice before the International Trade Commission and in the District of Delaware relating to disk drive apparatus and magnetic recording media. Both matters were resolved successfully.

*Seagate Technology LLC, et al. adv. StorMedia Texas, LLC* (magnetic recording media) (E.D. Tex.) Defended Seagate Technology in a patent infringement suit relating to magnetic recording media. Resolved successfully.

*Sonic Solutions and Napster (formerly known as Roxio, Inc.) adv. Optima Technology Corp.* (CD-burning software) (C.D. Cal.) Represented Sonic Solutions and Napster (formerly Roxio) in a patent infringement lawsuit brought by Optima relating to CD burning software technology. Obtained summary judgment of non-infringement for client.

## Telecommunications

*Arima Communications Corp. adv. Interdigital Technology Corp., et al.* (mobile communications devices) (AAA – ICDR Int'l Arbitration Tribunal and D. Del.) Defended Arima adverse to Interdigital before a tribunal empanelled by the American Arbitration Association's International Centre for Dispute Resolution in proceedings related to a licensing dispute. Also represented Arima in related proceedings in the District of Delaware in which the arbitration award was sought to be confirmed by InterDigital and modified or vacated by Arima. Resolved successfully.

*Huawei Device USA Inc. and Huawei Device Co., Ltd. adv. Maxell, Ltd.* (wireless telecommunications devices) (E.D. Tex.) Defended Huawei adverse to Maxell in a suit alleging infringement of ten patents relating to mobile and multi-media devices. Resolved successfully.

*Huawei Technologies Co. Ltd. and Huawei Device USA Inc. adv. Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy* (mobile telephones and tablets) (E.D. Tex.) Defended Huawei in a series of four related lawsuits brought by Nokia alleging infringement of nine patents concerning LTE standards for cellphones and tablets. Resolved successfully.

*Huawei Technologies USA Inc., Huawei Device USA Inc., Huawei Device Co. Ltd., and Huawei Technologies Co., Ltd. v. Rui Pedro Oliveira and SMATCAM, S.A.* (camera phones) (E.D. Tex.) Represented Huawei in defending against counter-parties' assertion of patent infringement, trade secret, contract, and tort claims. Resolved successfully.

*Huawei Technologies Co. Ltd v. T-Mobile US, Inc. and T-Mobile USA, Inc.* (wireless network technology) (E.D. Tex.) Representing Huawei adverse to T-Mobile in a series of four related lawsuits concerning T-Mobile's infringement of 14 of Huawei's patents related to cellular network equipment and services.

*Huawei Technologies Co. Ltd v. T-Mobile US, Inc. and T-Mobile USA, Inc.* (wireless network technology) (E.D. Tex.) Representing Huawei adverse to T-Mobile in suit seeking declaratory judgment that Huawei has complied with its FRAND licensing obligations.

*Huawei Technologies Co. Ltd, Huawei Device Co., Ltd, and Huawei Digital Technologies (Chengdu) Co., Ltd. v. Verizon Communications, Inc., Cellco Partnership d/b/a Verizon Wireless, and Verizon Business Network Services, Inc.* (wireless network technology) (W.D. Tex.) Representing Huawei in a suit involving infringement by Verizon of seven patents related to communications networks, mobile devices, and services related to the same.

*LG Electronics Mobilecomm U.S.A., Inc. adv. Dicam, Inc.* (camera phones) (N.D. Ill.) Defended LG Electronics against an action for patent infringement involving camera phones brought by Dicam. Resolved successfully.

*LG Electronics Mobilecomm U.S.A. Inc. adv. Golden Bridge Technology Inc.* (wireless communication systems) (E.D. Tex.) Defended LG Electronics against an action for patent infringement involving WCDMA wireless communication systems brought by Golden Bridge. Resolved successfully.

*LG Electronics Mobilecomm U.S.A., Inc. adv. Implicit Networks, Inc.* (cellular telephones) (N.D. Cal.) Defended LG Electronics against Implicit Networks' allegation of patent infringement involving cellular telephones and touch screen technology. Resolved successfully.

*LG Electronics Mobilecomm U.S.A., Inc. adv. Morris Reese* (cellular telephones) (E.D. Tex.) Represented LG Electronics in an action for patent infringement brought by inventor Morris Reese involving cellular telephones and caller identification systems. Resolved successfully.

*Semiconductor Energy Laboratory Co., Ltd. v. BOE Technology Group Co., Ltd., BOE Technology America, Inc., and Motorola Mobility LLC* (cellular telephones) (N.D. Cal.) Representing Semiconductor Energy Laboratory in a four patent infringement suit against BOE and Motorola related to OLED display technology.

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## Testimonials

"What makes [David] excellent is his ability to counsel his clients. He makes complicated issues easy to follow for the clients. It is easy to understand and digest. He is able to explain the detailed issues of the law and its implications. We sit and talk about what can happen and what could happen, we plan out the entire game plan, and I really like that. ... He is able to gather a top-notch team that gets the work done." — Client Testimonial, 2023 *Chambers and Partners USA*

"Barkan is a litigator. He has an understanding of the overall big picture and his strategy was so masterful that the whole company felt at ease and assured. He understands how to protect everyone." — Client Testimonial, 2019 *Chambers and Partners USA*

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## Recognitions & awards

Best Lawyers in America

*Best Lawyers* 2013-2025

Client Service All-Star

*BTI Consulting Group Inc.* 2020, 2022-2024

IAM Patent 1000

*IAM* 2020-2024

Northern California Super Lawyer

*Super Lawyers* 2004-2021, 2024

San Francisco Lawyer of the Year for Trade Secrets Law

*Best Lawyers* 2021

California Trailblazer

*The Recorder* 2019

Technology Law Trailblazer

*National Law Journal* 2019

Top Intellectual Property Lawyers in California

*Daily Journal* 2009-2010

Top 100 Lawyers in California

*Daily Journal* 2009

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## News

August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

June 11, 2024

Fish & Richardson Receives Top Rankings in 2024 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

June 4, 2024

Two Fish Principals Named 2024 Client Service All-Stars by BTI Consulting Group

August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

June 27, 2023

Fish & Richardson Receives Top Rankings in 2023 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

June 13, 2023

Three Fish Principals Named 2023 Client Service All-Stars by BTI Consulting Group

September 8, 2022

Fish & Richardson Receives Top Rankings in 2022 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

July 15, 2021

Fish & Richardson Attorneys Named to 2021 Northern California *Super Lawyers* List

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## Events

July 1, 2021

Determining Essentiality for Standard Essential Patents: Challenges, Benefits & Solutions

March 16, 2021

Standard Essential Patent Round Table

March 30, 2017

FICPI China Symposium 2017

August 28, 2013

Intellectual Property Strategies for Leveraging Long-Term Research: The Role of University and Non-Profit Research in Business IP

January 2, 2011

What Israeli Companies Really Need To Know About IP Protection and Enforcement in the U.S.

September 22, 2009

The Daily Journal's Top 100 Lawyers in California Reception

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## Additional insights

### Speaking engagements

- "Standard Essential Patent Round Table," Questel (March 16, 2021)
- "Where FRAND Meets Georgia-Pacific: Measuring Damages for U.S. Patent Infringement for SEPs," (2017)
- FICPI 6th Annual China Intellectual Property Symposium, Hangzhou, China (April 2017)

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## Services

Litigation

Patent Litigation

Trade Secret Litigation

IP Licensing, Transactions & Agreements

## Industries

Electrical & Computer Technology  
Software & Internet  
Hardware  
Semiconductors  
Financial, Business & FinTech Services  
Telecommunications  
5G  
Standard Essential Patents

## Admissions

California (1992)  
Massachusetts (2020)  
U.S. Court of Appeals for the Federal Circuit  
U.S. Court of Appeals for the Fourth Circuit  
U.S. Court of Appeals for the Ninth Circuit  
U.S. District Court for the Central District of California  
U.S. District Court for the Northern District of California  
U.S. District Court for the Southern District of California  
U.S. District Court for the Eastern District of Texas  
U.S. District Court for the Western District of Texas  
U.S. District Court for the Western District of Wisconsin  
U.S. District Court for the Northern District of Illinois  
California Supreme Court

## Clerkships

U.S. District Court for the Northern District of California, The Honorable Fern M. Smith (1992-1993)

## Education

J.D. Order of the Coif, University of California, Berkeley School of Law (1992)  
A.B. *magna cum laude*, Government, Harvard University (1987)